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10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

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14 ASSOCIATION OF IRRITATED
15 RESIDENTS, an unincorporated association,
16 and NATURAL RESOURCES DEFENSE
COUNCIL, INC.,

17 Plaintiffs,

18 v.

19 UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, STEPHEN L.
20 JOHNSON, in his official capacity as
Administrator of the United States
21 Environmental Protection Agency, and
WAYNE NASTRI, in his official capacity as
22 Regional Administrator for Region IX of the
United States Environmental Protection
Agency,

23 Defendants.

24) No. CV 08-00227 SC

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27)
28)
STIPULATION TO STAY THE
CASE PENDING PUBLIC
COMMENT ON THE PROPOSED
CONSENT DECREE

WHEREAS, on January 14, 2008, the Association of Irritated Residents and the Natural Resources Defense Council, Inc., (collectively, "Plaintiffs") filed the complaint in the above-captioned matter against the United States Environmental Protection Agency; Stephen L. Johnson, in his official capacity as Administrator of the United States Environmental Protection Agency; and Wayne Nastri, in his official capacity as Administrator for Region IX of the United States Environmental Protection Agency (collectively, "EPA" or "Defendants"), alleging that EPA has failed to undertake certain nondiscretionary duties under section 304(a)(2) of the Clean Air Act, 42 U.S.C. § 7604(a)(2);

WHEREAS, on June 30, 2008, EPA lodged a proposed Consent Decree with the Court, DE #15, which would fully resolve the claims alleged against EPA in Plaintiffs' complaint;

WHEREAS, before the proposed Consent Decree can be entered by the Court, EPA must provide notice of the Consent Decree in the Federal Register and an opportunity for public comment pursuant to section 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g);

WHEREAS, the EPA Administrator will promptly consider any written comments received on the proposed Consent Decree and, if none of the comments disclose facts or considerations which indicate that the Decree is inappropriate, improper, inadequate, or inconsistent with the requirements of the Clean Air Act, EPA will move for the Court's entry of the Consent Decree;

NOW THEREFORE, pursuant to Local Rules 6-2 and 7-12, the parties, by and through their undersigned counsel, hereby stipulate to stay the case pending public comment on the proposed Consent Decree. Upon the completion of EPA's review of the public comments, EPA will either move for entry of the Consent Decree or notify the Court of any additional action that may be required in light of the public comments.

COUNSEL FOR PLAINTIFFS:

Dated: July 8, 2008

/s/ Sofia L. Sarabia
SOFIA L. SARABIA
BRENT NEWELL
Center On Race, Poverty & the Environment
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1 Email: bjnewell@igc.org
2 *Counsel for Plaintiff Association of Irritated*
Residents

3 Dated: July 8, 2008

4 /s/ Adriano Martinez
5 ADRIANO MARTINEZ
6 Natural Resources Defense Council
7 1314 Second Street
Santa Monica, CA 90401
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Email: amartinez@nrdc.org
Counsel for Plaintiff Natural Resources Defense
Council

8 **COUNSEL FOR DEFENDANTS:**

9 Dated: July 8, 2008

10 RONALD J. TENPAS
11 Assistant Attorney General
Environment & Natural Resources Division

12 /s/ Rochelle L. Russell
13 ROCHELLE L. RUSSELL
14 Trial Attorney
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19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

20 Dated: 7/9/08



1 **CERTIFICATE OF SERVICE**

2 I certify that on July 8, 2008, a true and correct copy of the foregoing **STIPULATION**
3 **TO STAY THE CASE PENDING PUBLIC COMMENT ON THE PROPOSED**
4 **CONSENT DECREE** was served electronically via the Court's e-filing system to Counsel of
5 Record.

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7 /s/ Rochelle L. Russell
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